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OCT 23 2009

**OFFICE OF PETITIONS**

|                                |   |                      |
|--------------------------------|---|----------------------|
| In re Application of           | : |                      |
| William J. Furnas              | : |                      |
| Application No. 09/318,249     | : | DECISION ON PETITION |
| Filed: May 25, 1999            | : |                      |
| Attorney Docket No. 5298-18-US | : |                      |

This is a decision on the petitions, filed February 27, 2009, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment and petition under 37 CFR 1.137(b), to revive the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.


This application was held abandoned for failure to timely respond to the Office action of October 22, 2007, which set a one (1) month shortened statutory period for reply. A reply was due on or before November 22, 2007.

Office record shows a reply to the October 22, 2007 Office action was received on November 19, 2007. However, on February 27, 2009 another reply, Revised Brief on Appeal, was received which states "Applicant is hereby submitting a new Brief which supercedes all prior briefs." Since this reply was received after the November 22, 2007 due date, this reply is untimely filed.

The petition under 37 CFR 1.137(b) is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2878 for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions